

Bud length (expanded pink): 10.2 mm.

Bud diameter (tight pink): 7 mm.

Petal shape: Base: slightly acuminate; Apex: rounded.

Page 5, line 13, please insert the following:

Pedicel:

Length: 18.0 mm.

Diameter 1.5 mm.

Color is green (RHS 142C).

Page 6, line 28, please insert the following:

Fruit weight: (based on a single fruit with a 2.9 inch diameter x 2.5 inch height tested in October 2002) 172 g.

Remarks

The rejection under 35 U.S.C. § 102 is respectively traversed.

Requirement for Information under 37 C.F.R. § 1.105

In response to the Requirement for Information under 37 C.F.R. § 1.105, the following information is provided. Pedigree information on all PRI apple trees (seedlings of the cooperative Purdue, Rutgers, Illinois cooperative apple breeding program) is available on the Internet at <http://www.hort.purdue.edu/newcrop/pri/default.html>. This website describes all releases, coop selections, and pedigrees of all progeny numbers. This information is used by universities and experiment stations for scientific and research purposes only. No 'Co-op 29' apple trees were available for commercial sale prior to the filing date of the present application. However, according to the inventor, 'Co-op 29' may have been released under a non-propagation agreement for test purposes. In particular 'Co-op 29' was never available for sale prior to being listed in the 2002 catalog of Garden's Alive. This catalog was printed after the filing date of the present application. 'Co-op 29' budwood was provided to Garden's Alive (dba Rocky Meadow Nursery) in 2001 in anticipation of patenting and sale of trees.

Therefore, Applicants request that the pending 35 U.S.C. § 102(b) rejection be withdrawn.

Objection to the Disclosure

The specification was objected to on the ground that the description of 'Co-op 29' was less than a full, clear and complete botanical description of 'Co-op 29' and the characteristics which define 'Co-op 29' and distinguish 'Co-op 29' from related cultivars and antecedents. Applicants have amended the specification as follows, to more clearly describe 'Co-op 29.' The objection to the disclosure should now be withdrawn.

- A. Page 1, line 14 was amended to remove 'Co-op 29' as suggested by the Examiner; however, the "x" was left in as the scientific name of apple is *Malus ×domestica* Borkh., which means that the species is of hybrid origin.
- B. Page 2, line 29 was amended to correct the placement of the "x;" however Applicants note that the correct name for this variety is *Malus ×domestica* Borkh. cv. CO-OP 29, or *Malus ×domestica* 'Co-op 29' as now shown on page 2, line 29.
- C. Page 4, line 5 was amended to include the texture of the leaf (smooth), as suggested by the Examiner.
- D. The bud length of is now disclosed in the specification on page 4, line 30.
- E. Further information on the petal is now disclosed in the specification on page 4, line 31. The color chart information requested on page 4, line 29 is also provided.
- F. Information on the pedicel is now disclosed in the specification on page 5, beginning at line 13.
- G. On page 5, line 17, the Examiner suggests that the 0.9 requires a unit of measurement. However, Applicants note that 0.9 is a ratio, and thus does not require a unit of measurement.
- H. Information for fruit weight is now disclosed on page 6, line 28.

In view of the amendments made herein, Applicants request that the 35 U.S.C. §§ 112, 1st and 2nd paragraph rejections be withdrawn, and a Notice of Allowance issued.

If any matters remain before a Notice of Allowance is issued, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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By



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**Marked-up Version of Amended Specification
Pursuant to 37 C.F.R. §§ 1.121(b)-(c)**

Page 1, line 14:

Malus [χ] ×domestica ['Co-op 29']

Page 2, line 29

Malus [χ] ×domestica 'Co-op 29'.

Page 4, line 5:

Texture: Smooth, Medium thick.

Page 4, line 29:

Opened flower: [White.] Petal color is white, (RHS N155A), on both sides.

Page 4, line 30, insert the following:

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